

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RUTH SAKE,

Plaintiff,

vs.

**PRUDENTIAL INSURANCE COMPANY
OF AMERICA, A foreign corporation;**

Defendant.

8:16CV423

ORDER OF DISMISSAL

This matter is before the Court on the Notice of Dismissal, ECF No. 35, filed by Plaintiff Ruth Sake. Under Federal Rule of Civil Procedure 41(a)(2),¹ the Court finds that the Notice of Dismissal should be granted, and the above-captioned action should be dismissed without prejudice. The Court will not assess costs or attorney's fees. Accordingly,

IT IS ORDERED:

1. Plaintiff Ruth Sake's Notice of Dismissal, ECF No. 35, is granted;
2. The above-captioned action is dismissed without prejudice;
3. Any other pending motions are terminated; and
4. The Court will not assess costs or attorney's fees.

¹ Sake filed the Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), however, the notice does not comply with 41(a)(1)(A)(i) because the Defendant has already filed an answer. See ECF No. 21. Therefore, the Court will treat the notice as a plaintiff's motion for dismissal under Rule 41(a)(2).

Dated this 19th day of April, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge